change to a product patent regime may result in increase or prices of patented drugs which may be used for treating life threatening diseases.

The Joint Select Committee of Parliament is presently examining the Patents (Second) Amendment Bill, 1999 in consultation with various Departments in the Government and also non-governmental agencies in order to determine how the maximum possible safeguards can be built into the Patents Act in order to ensure that the prices of essential drugs are not adversely affected by an amendment of the Patents Act to bring in line with the TRIPS.

Flourishing spurious drugs trade

2165. SHRI KRISHNA KUMAR BIRLA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether due to lack in coordination between Government and State Governments the trade of spurious drugs is flourishing in the country;

(b) if so, whether the spurious drugs manufactured in a particular State is sold in other States resulting in confusion for the authorities to take any action;

(c) if so, whether Government propose to prepare any concrete action plan to check sale or manufacture of spurious drugs throughout the country; and

(d) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. C. P. THAKUR): (a) and (b) Manufacture and sale of spurious medicines is a clandestine activity indulged in by some unscrupulous and anti-social persons.

Under the provisions of the Drugs and Cosmetics Act, 1940 and Rules made thereunder, a drug manufactured in one state by licensed firms can be sold or distributed in other States.

Government has been advising to State Governments from time to time to gear up their enforcement machinery to detect and unearth spurious/fake drugs moving in the inter-state commerce as well as speedy analysis of samples of drugs by their testing laboratories and to coordinate activities with other States.

(c) and (d) The Drugs Controller General (India) has advised the State Drugs Controllers to take the following measures for curbing the incidence of spurious drugs :

(i) Constitution/reactivation of State Drug Advisory Committees in which various trade and industry associations as well as consumer associations should find representation.

(ii) Establishment of separate intelligence-cum-legal machinery with police assistance.

(iii) Training to be provided to selected officials of Drug Control Administration in the modalities of intelligence work, prosecution etc. in respect of spurious/counterfeit drugs.

(iv) To ensure speedy analysis of drug samples by establishing own state level drug testing facilities.

(v) State Drugs Control Authorities to be cautious while approving licenses for drug products to ensure that 'look-alike' products are not encouraged.

(vi) To develop efficient communication facilities and recall procedures.

(vii) To undertake surveillance of suspected dealers.

(viii) To engage experienced counsel for fighting spurious drug cases.

(ix) To obtain cooperation of Pharmaceutical industry by regular interaction with them.

(x) To collect Survey samples under National Survey Quality Evaluation of Drug (NSQED) programme.

In addition, the following steps have also been taken :

(1) Association of Pharmaceutical Industry and All India Organisation of Chemists and Druggists have been asked to take necessary initiative to collectively combat the menace of spurious drugs.

(2) The problem of manufacture and sale of spurious drugs and the need to ensure its checking has been specifically explained to State Health Ministers during the meeting of Central Council of Health and Family Welfare held on 12th & 13th July, 2001 in New Delhi.

(3) Ministry of Health and FW has constituted a Committee under the chairmanship of DGHS on July 18, 2001 associating members from industry, trade, drug regulatory officials and public representative to go into all aspects of the menace of spurious drugs and suggest remedial measures.

(4) In order to ensure efficient information exchange and speed monitoring the Central Government has undertaken a project to provide computer networking for all State and Central Drug Control offices and the Drug Testing Laboratories.